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Boston into commercial and residential sections, and limiting the height of buildings in the former to 125 feet and in the latter to from 80 to 100 feet, was considered in *Welch v. Swasey*, 29 Supreme Court Reporter, 567. Plaintiff, applying for permission to erect a building in the residential district, claimed that the statute unduly and reasonably infringed on his constitutional rights as to taking his property without compensation and as to denial of equal protection of the laws. The highest state court upheld the legislation as passed in the exercise of the police power. In passing on the questions as to the validity and reasonableness of the discrimination or classification in relation to the height of buildings, the matter of locality became of utmost importance. The United States Supreme Court declined to hold the limitation of 80 to 100 feet in the residential district a discrimination or classification so unreasonable that it deprived the owner of his property and of its profitable use without justification, and refused him compensation for such alleged invasion of his rights.

Vicious Propensity of Boar.—In *Johnston v. Mack Mfg. Co.*, 64 Southeastern Reporter, 841, it appeared that a large boar belonging to defendant had gone upon the unfenced premises of plaintiff, and had endeavored to break through a fence inclosing his hogs. The attempts of plaintiff to expel the intruder resulted in a conflict, in which he was lacerated and seriously injured by the visiting swine. There was no law compelling the confinement of hogs, nor was there convincing evidence of prior pugnacity of the animal. Plaintiff introduced expert testimony to the effect that boars the age of the one in question become vicious and are likely to attack men and animals. Because of the introduction of this evidence defendant was granted a new trial, the West Virginia Supreme Court of Appeals holding that, as the habits and propensities of domestic animals were matters of common knowledge to all men, there was no reason for expert testimony to prove the general propensity of a hog, especially as this was the first recorded case wherein a hog had savagely bitten and injured a man or departed from his usual demeanor of meekness and serenity.

Patent of Invention—Manufacture of Patented Article Carried on Principally Out of United Kingdom—Failure to Manufacture Adequately in United Kingdom—Patent and Designs Act, 1907 (7 Edw. VII, c. 29), ss. 24, 27—(R.S.C. c. 69, ss. 38, 39).—In *re Bremer* (1909) 2 Ch. 217, was an application to revoke a patent of invention, for non-manufacture of the patented article in the United Kingdom. The application was made under the provisions of the Act of 1907, 7 Edw. VII, c. 29 (see R.S.C. c. 69, ss. 38, 39). Two patents held by different parties for the manufacture of arc lights were in question and the

grounds alleged in excuse for the non-manufacture of the patented articles in England were the existence of litigation as to the validity of the patents, and the difficulty of successfully competing with rival makers of similar lamps and also with alleged infringers of the patent. Parker, J., held that the Act of 1907 was not intended to penalize patentees for want of success where they do their best to comply with its provisions, and that in this case they had sufficiently excused themselves.—Canada Law Journal.

Revocation of Patent—Non-manufacture of Patented Articles in United Kingdom.—In *re Hatschek* (1909) 2 Ch. 68, was an application to revoke two patents of invention for non-manufacture of patented article within the United Kingdom, under the Patent Act, 7 Edw. VII, c. 29, ss. 24, 27 (see R.S.C. c. 69, s. 38). The patent was granted in respect of a process for manufacturing imitation stone slabs. The invention was in commercial operation in Germany, France and Belgium, but was never worked in the United Kingdom. The patentee devoted himself to the establishment abroad of industries in which the patented process was carried on, and had granted to a Belgium company an exclusive license for the United Kingdom of selling patented articles manufactured by the company in Belgium. Parker, J., held that the Act had not been complied with and the patents must be forthwith revoked, although in July, 1908, the Belgium company had published advertisements expressing their willingness to sell rights to manufacture the goods in England.—Canada Law Journal.